



Historic England

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 77  
AND TOWN AND COUNTRY  
PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000**

**STATEMENT of  
MICHAEL ALAN DUNN BA, MA, Dip UD, IHBC**

**Application by Secretary of State  
for Housing, Communities and Local Government for a  
United Kingdom Holocaust Memorial, at Victoria Tower Gardens,  
Millbank, London SW1P 3YB  
Local Planning Authority ref: 19/00114/FULL  
PINS reference APP/X5990/V/19/3240661**

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## 1.0 INTRODUCTION

- 1.1. My name is Michael Alan Dunn. I am a conservation specialist and I hold an MA in Building Conservation from the University of York (1998) and a post-graduate degree in Building Conservation from the Universität Bamberg, Germany (*Das Aufbaustudium Denkmalpflege*, 1993). I also have a BA in History from the University of Minnesota (1990) and a post-graduate diploma in Urban Design from the University of Westminster (2000). I have been a Full Member of the Institute of Historic Building Conservation since 2000.
  
- 1.2. I have been professionally involved with managing change to the historic environment in England for 22 years. I joined Historic England in 2003 as an Inspector of Historic Buildings and Areas and am now a Team Leader in the London Region.
  
- 1.3. I lead a multi-disciplinary team of five specialists for Greater London and am accountable for their expert advice. This includes pre-application negotiations with developers and considering applications for planning permission, listed building consent and scheduled monument consent. Many of the applications I deal with are highly complex and/or politically sensitive and so referred to our London Advisory Committee<sup>1</sup> to inform Historic England's response.

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<sup>1</sup> The London Advisory Committee offers expert advice to staff and Commission on Historic England's functions under the National Heritage Act 1983, and other relevant legislation, relating to individual buildings, monuments, conservation areas, parks and gardens in London and in particular policy matters and casework where it is novel, contentious or sets a precedent.

- 1.4. The information in this statement is true to the best of my knowledge and belief. I confirm that the opinions expressed are my true and professional opinions.

## **2.0 ROLE OF HISTORIC ENGLAND**

- 2.1 Historic England is an independent grant-aided body governed by Commissioners. It was established with effect from 1 April 1984 under Section 32 of the National Heritage Act 1983. The general duty of Historic England under Section 33 is as follows:

“...so far as is practicable:

- (a) to secure the preservation of ancient monuments and historic buildings situated in England;
- (b) to promote the preservation and enhancement of the character and appearance of conservation areas situated in England; and
- (c) to promote the public’s enjoyment of, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation”.

- 2.2 Historic England’s sponsoring ministry is the Department for Digital, Culture, Media & Sport, although its remit in conservation matters intersects with the policy responsibilities of a number of other Government departments, particularly the Ministry of Housing, Communities & Local Government, with its responsibilities for land use planning matters.

- 2.3 Historic England is a statutory consultee on certain categories of applications for planning permission and listed building consent. Similarly Historic England advises the Secretary of State on those applications, subsequent appeals, scheduled monument consent applications and on other matters generally affecting the historic environment. Historic England also has a role in advising Government in relation to World Heritage Sites and compliance with the 1972 Convention Concerning the Protection of the World Cultural and National Heritage. It is the lead body for the heritage sector and the Government's principal adviser on the historic environment.
- 2.4 Archaeological advice is provided by the Greater London Archaeological Advisory Service ("GLAAS"), which is part of Historic England's London and South East regional office. GLAAS provides archaeological advice to London boroughs in accordance with the National Planning Policy Framework and GLAAS Charter. This is a unique non-statutory role within Historic England providing a service equivalent to that of (normally in-house) local government archaeologists outside London.
- 2.5 Historic England encourages pre-application discussions and early engagement on projects to ensure informed consideration of heritage assets and to ensure that the possible impacts of proposals on the historic environment are taken into account.

### **3.0 SCOPE OF STATEMENT**

- 3.1. In a letter of 5 November 2019 the Ministry of Housing, Communities and Local Government notified Westminster City Council that the Minister of State had decided to recover the planning application for determination by the Secretary of State. The letter stated that, among other things, the Minister of State particularly wishes to be informed about: *“Matters pertaining to policies on conserving and enhancing the historic environment as set out at Chapter 16 of the National Planning Policy Framework”*. (paragraph 7. i.)
- 3.2. The scope of my statement responds exclusively to the Secretary of State’s wish to be informed of heritage matters as set out in paragraph 7.i. of the call-in notification letter. The statement will include a description of the proposals and how Historic England has dealt with the current application, a description of the heritage assets affected and an assessment of their significance. I then assess the impact of the proposals upon the significance of the heritage assets in turn, in the context of the statutory duties relevant to applications that affect the historic environment and Government policy in the National Planning Policy Framework 2019 (‘NPPF’).

### **4.0 THE PROPOSALS AND HISTORIC ENGLAND’S INVOLVEMENT**

- 4.1 The proposals are for *“Installation of the United Kingdom Holocaust Memorial and Learning Centre including excavation to provide a basement and basement mezzanine for the learning centre; erection of a single storey entrance pavilion; re-provision of the Horseferry Playground and refreshments*

*kiosk; repositioning of the Spicer Memorial; new hard and soft landscaping and lighting around the site; and all ancillary and associated works”.*

4.2 The application site lies within Victoria Tower Gardens, a Grade II registered park and garden, which also forms part of the Westminster Abbey and Parliament Square Conservation Area. The site is also adjacent to the Palace of Westminster and Westminster Abbey including Saint Margaret’s Church World Heritage Site, with numerous listed buildings surrounding the application site. Part of the site also lies within Westminster’s Lundenwic and Thorney Island Area of Archaeological Priority in the adopted 2016 Local Plan.

#### **Historic England involvement with the application**

4.3 Our involvement with this application began on 6 June 2018 with a request by the applicant for pre-application advice to which we responded on 29 June 2018.

4.4 We were consulted by Westminster City Council on 6 August 2018 regarding the Environmental Impact Assessment Scoping Opinion, to which GLAAS issued a response on 23 August 2018, recommending further archaeological studies to be undertaken to accompany a planning application.

4.5 Due to the high profile nature of the proposals, the proposed development was considered by our London Advisory Committee on 27 September 2018 before a pre-application advice letter was issued on 7 November 2018.

- 4.6 This letter expressed that whilst we broadly supported the principle of the project, we had concerns at the scale of the proposals and how they related to the very constrained and sensitive site, and the impact of the proposals on the surrounding heritage in and around Victoria Tower Gardens. In particular, we noted that the proposals would harm the significance of the Grade II registered Victoria Tower Gardens (which also lay within the Westminster Abbey and Parliament Square Conservation Area) and raised concerns about the impact on buried archaeology. We noted that the proposals would harm the significance of the Grade II\* listed Buxton Memorial Fountain through their impact upon its setting.
- 4.7 The application was submitted in late 2018 and referred to Historic England on 14 January 2019. The submitted proposals had not changed substantially from the proposals we considered at pre-application stage and we were disappointed that our suggestions for amendments for preventing or mitigating harm to heritage assets had not been followed up. We reiterated our concerns in a letter dated 1 March 2019 about the harm caused by the proposals, and advised that the proposals would cause less than substantial harm to the significance of the heritage assets previously referred to.
- 4.8 We advised that the proposals would not significantly harm the Outstanding Universal Value of the nearby Palace of Westminster and Westminster Abbey including Saint Margaret's Church World Heritage Site.

- 4.9 We therefore advised Westminster City Council to weigh the harm against the public benefits of the proposals in accordance with paragraph 196 of the NPPF.
- 4.10 We also noted that as the proposals were likely to have a serious impact on significant and potentially well preserved archaeological deposits on the site, detailed advice had been provided in a separate letter, dated 19 February 2019, from GLAAS. That letter made it clear that further information was required to properly understand and assess significant archaeological effects.
- 4.11 On 30 April 2019 we were informed that further information had been provided with amendments made to the design of entrance pavilion and memorial courtyard and a modest reduction in the footprint of the learning centre. We responded on 16 May 2019 stating that whilst we welcomed the reduced footprint and the design changes were positive, they did not address the many other issues that were raised in our previous advice letter. On 17 May, GLAAS wrote to Westminster noting that although the amended plans showed a slightly smaller basement this had not fundamentally changed the likely impact and the need for further information that had been requested previously.
- 4.12 In a letter dated 12 November 2019 GLAAS advised that an updated assessment informed by geophysical, borehole and hydrological surveys had been provided in order to better understand the effect of the proposed development on archaeological remains beneath Victoria Tower Gardens. In

addition to this a final Geoarchaeological evaluation report had also been received. There was now sufficient information provided to assess the likely risk, and from this it was concluded that there was still a low residual risk of harm to as yet undiscovered non-designated heritage assets of archaeological interest equivalent to a scheduled monument. A pre-commencement condition was therefore considered necessary to safeguard the archaeological interest on the site.

4.13 Copies of our correspondence are contained in Appendix 1 to this Statement.

## **5.0 NATIONAL DECISION-MAKING CONTEXT**

### **5.1. Statutory duties**

5.1.1. Statutory duties relating to proposals affecting listed buildings and conservation areas are contained in the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.1.2. The relevant statutory duty relating to planning applications affecting a listed building is contained in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This makes it a duty for a local planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to *“have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*. As the

settings of a number of listed buildings will be affected by the appeal proposals, this statutory duty will be directly engaged in this instance.

5.1.3. The relevant statutory provision relating to planning applications affecting conservation areas is contained in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This states that, in the exercise of planning functions, “*with respect to any buildings or other land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”.

5.1.4. The courts have held that “*preserving means doing no harm*” and have established that, where a proposal would cause harm, the desirability of preserving a listed building or its setting, or the character of a conservation area, should not simply be given careful consideration, but should be given “*considerable importance and weight*” when the decision-maker carries out the planning balance.<sup>2</sup>

## **5.2. National heritage policy context**

5.2.1. Government planning policy is set out in the National Planning Policy Framework (NPPF), initially published in March 2012 and revised in 2018 and 2019. A number of the policies set out in the NPPF are of direct relevance to the consideration of the appeal proposals.

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<sup>2</sup> Barnwell Manor Wind Energy Ltd v. East Northamptonshire District Council, English Heritage, the National Trust and the Secretary of State for Communities and Local Government [2014] EWCA Civ 137

5.2.2. At the heart of the NPPF is a presumption in favour of sustainable development (NPPF, para 11). The NPPF at paragraphs 7 and 8 advises that sustainable development has three overarching objectives: economic, social and environmental. These objectives are interdependent and need to be pursued in mutually supportive ways. It states, amongst other things, that the environmental objective is to contribute to protecting and enhancing the built and historic environment

5.2.3. The NPPF needs to be read as a whole; however Sections 12 and 16 are of particular note with regards to design and the conservation and enhancement of the historic environment.

5.2.4. Paragraph 127 states that planning policies and decisions should ensure, among other things, that developments:

*“are sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change (such as increased densities);”* and

*“establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”.*

5.2.5. The NPPF defines conservation (for heritage policy) as *“the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance”* (Annex 2: Glossary).

- 5.2.6. A *heritage asset* is defined as ‘a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the planning authority (including local listing)’ (Annex 2: Glossary).
- 5.2.7. The NPPF defines designated heritage assets as “a World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield and Conservation Area designated under the relevant legislation” (Annex 2: Glossary).
- 5.2.8. Paragraph 184 advises that: “These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”.
- 5.2.9. The policies in section 16 of the Framework are predicated on the concept of significance. The NPPF (Annex 2: Glossary) defines the significance of a heritage asset (for heritage policy) as: *‘the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance’.*
- 5.2.10. The NPPF (Annex 2: Glossary) defines the setting of a heritage asset as: “The surroundings in which a heritage asset is experienced. Its extent is

*not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.*

5.2.11. Paragraph 189 of the NPPF states that: *“Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*

5.2.12. Paragraph 193 of the NPPF states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.*

5.2.13. Footnote 63 states that *“Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to policies for designated heritage assets.*

- 5.2.14. Paragraphs 195 and 196 refer to “substantial” and “less than substantial” harm to the significance of heritage assets and the approach to be taken as a consequence. Paragraph 196 states that in cases where there is less than substantial harm to the significance of a designated heritage asset, *“this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.
- 5.2.15. Paragraph 197 states that the effects of an application on the significance of non-designated heritage assets should be taken into account. *“In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 5.2.16. The NPPF is supported by the on-line National Planning Practice Guidance (NPPG) that was first published in March 2014 and has been subsequently updated at various intervals. The advice on the Historic Environment section within the NPPF is expanded on in paragraphs 001 REF ID18a-001-20190723 to paragraph 071 REF ID18a-071-20190723 with the most recent update being 23 July 2019. In general terms the NPPG provides further detail on such matters and with regards significance sets out that proper assessment of the significance of the heritage asset and the contribution to its setting is very important to understanding the potential impact and acceptability of development proposals (Paragraph: 007 Reference ID: 18a-007-20190723). It also states how proposals can avoid or minimise harm to the significance of a heritage asset (Paragraph: 008 Reference ID: 18a-008-20190723).

5.2.17. The NPPG provides further detail about what the setting of a heritage assets is and how it is to be taken into account in paragraph 013, and makes the following points:

- All heritage assets have a setting.
- That although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors and by an understanding of the historic relationship between places.
- The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This contribution may vary over time.
- When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change (Paragraph: 013 Reference ID: 18a-013-20190723).

5.2.18. In considering how the potential for harm to a heritage assets can be assessed the NPPG states that “*what matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset*”. It reiterates the policy of the NPPF that “*significance derives not only from a heritage asset’s physical presence, but also from its setting*” (Paragraph: 018 Reference ID: 18a-018-20190723).

5.2.19. NPPG paragraphs 026-038 are relevant to World Heritage Sites. Paragraph 033 focuses on how the setting of a World Heritage Site is protected and

states how the UNESCO Operational Guidelines seek to protect “*the immediate setting*” of each World Heritage Site, of “*important views and other areas or attributes that are functionally important as a support to the Property*”.

## **6.0 ASSESSMENT OF THE SIGNIFICANCE OF HERITAGE ASSETS AFFECTED BY THE PROPOSALS AND THE IMPACT OF THE PROPOSALS ON THAT SIGNIFICANCE**

- 6.0.1 The proposals are within or adjacent to a number of designated heritage assets, which include Victoria Tower Gardens (Grade II Registered Park and Garden); Thames Embankment (Grade II listed); Palace of Westminster (with Victoria Lodge and Gates, all Grade I listed); Church Commissioners (Grade II\* listed); Norwest House (Grade II listed); Lambeth Bridge (Grade II listed); Buxton Memorial Fountain (Grade II\* listed); Statuary Group of the Burghers of Calais (Grade I), and the Statue of Mrs Emmeline Pankhurst (Grade II\* listed).
- 6.0.2 The site is also within Westminster Abbey and Parliament Square Conservation Area, but is just outside the Palace of Westminster and Westminster Abbey including Saint Margaret’s Church World Heritage Site. The northern end of the application site lies within the Lundenwic and Thorney Island Area of Archaeological Priority.
- 6.0.3 My assessment is that the proposals will have an impact on the significance of Victoria Tower Gardens Grade II Registered Park and Garden (through the development taking place within the registered park), the Grade II\*

Buxton Memorial Fountain (through development within its setting), the Palace of Westminster and Westminster Abbey including Saint Margaret's Church World Heritage Site (through development within its setting) and to archaeological deposits underneath the site. The details are set out below with the National Heritage List for England entries for the Victoria Tower Gardens and Buxton Memorial Fountain included in Appendix 2.

## **6.1 Victoria Tower Gardens Registered Park and Garden**

6.1.1 This open landscape, which is contained between the Houses of Parliament to the north, Lambeth Bridge to the south, Millbank to the west and the Thames Embankment to the east, was laid out as a public open space for recreation and enjoyment in 1879, after funding and support from Parliament towards 'enclosing and laying out for the use of the public the ground to the south of the Houses of Parliament which has recently been embanked'. The Gardens initially replaced land previously given over to wharves, jetties and other semi-industrial uses, and created the modern setting of the Palace of Westminster appearing as a major monument rising above semi-pastoral parkland.

6.1.2 The Gardens were expanded southwards from 1898 as the land was embanked, and reached their current size by 1912. A children's play area and the Spicer Memorial were introduced in the 1920s. The garden was simplified in the 1930s to optimise views towards the Houses of Parliament, and therefore now mostly consists of lawn divided by paths and enclosed by railings, the Thames Embankment and rows of mature plane trees lining the

perimeter paths on the west and east sides. The current layout is a result of changes carried out in 1955 to integrate the memorials and statues within the landscape. The park was designated as a Grade II Registered Park and Garden in 1987, and is also contained within the larger Westminster Abbey and Parliament Square Conservation Area.

6.1.3 In summary, the significance of Victoria Tower Gardens is derived from a combination of historical and aesthetic values. It reflects an important period in London's history as industrial uses were being replaced by public parks and, in this case, the creation of a pastoral setting for the Houses of Parliament. It is an attractive designed landscape with generous green open space enclosed by a formal arrangement of plane trees and accessed via a network of paths integrating a number of important commemorative memorials.

6.1.4 The main impact of the proposals would result from the introduction of a considerable amount of structure and hard landscaping in the southern third of the landscape which is currently characterised by open green space. Much of the proposed new structure would be visually prominent in views from within the landscape from the south and west, in contrast to the current situation where the uncluttered open space allows longer views through the landscape towards the Embankment and towards the Houses of Parliament.

6.1.5 The provision of open space at Victoria Tower Gardens was an original design intention to create a relationship between the Houses of Parliament and a semi-pastoral setting. It is an important element of the significance of

the designed landscape, and any reduction of open space would cause harm to this significance. In my view the loss of green open space and its replacement with hard landscaping and structure would cause appreciable harm to the significance of the Grade II Registered Park and Garden. I assess this harm as moderate in the less than substantial category.

6.1.6 Integral to the significance of Victoria Tower Gardens are the mature plane trees that line much of the perimeter of the park. I do not consider that a full assessment of the potential impact of the proposed development on the mature plane trees has been undertaken, for example the impacts of the proposed southern vehicle access for construction, the proposed improvements to the play area and the proposed cafe/bike storage/generator building within the playground, do not appear to have been assessed within the accompanying reports to the planning application. Any significant decline and/or failure of the trees lining the park resulting from the proposed development would increase the degree of harm caused to the Grade II Registered Park and Garden and its relationship with other designated heritage assets.

## **6.2 Buxton Memorial Fountain, Victoria Tower Gardens**

6.2.1 The Victorian Buxton Memorial Fountain is located within Victoria Tower Gardens towards its southern end near the Thames Embankment. It was erected as a drinking fountain in 1866, designed by S. S. Toulon with input from C. Buxton MP. It is an elaborate and delicate octagonal Gothic pavilion with a rich use of polychrome materials. The structure with its pyramidal

spire-roof contains four granite drinking basins arranged around a central shaft.

- 6.2.2 The memorial commemorates the emancipation of enslaved people in 1834 and prominent campaigners who strove to secure their full emancipation (including Buxton's father, Sir T. Fowell Buxton), and was moved from its original location in Parliament Square to its current position in 1957.
- 6.2.3 The Buxton Memorial has a high degree of significance, reflected in its Grade II\* listing, both for its exuberant architecture and for the very important historical event it was erected to celebrate including its poignant location near to Parliament. Its open setting contributes towards its significance as the memorial enjoys a prominent position as a notable Gothic landmark alongside the much larger Houses of Parliament within the landscape of Victoria Tower Gardens.
- 6.2.4 The impact of the proposals would be to the setting of the listed building. The much larger proposed Holocaust Memorial would reduce the visual prominence of the Buxton Memorial in the open landscape of Victoria Tower Gardens, thereby causing harm to its significance. The proposals in their current form would lead to a visual tension between the Buxton Memorial Fountain and the proposed Holocaust Memorial and Learning Centre, both of which commemorate very important and deeply sensitive historical events. The larger monument would appear to eclipse the smaller in terms of its visual prominence, thereby harming its historical significance and meaning

as a memorial to the abolition of slavery. I judge the level of harm to be low to moderate in the less than substantial category, although the level of harm could be further reduced if the Buxton Memorial were moved further away from the proposed Holocaust Memorial to a more prominent and open site within the park.

### **6.3 Palace of Westminster and Westminster Abbey including Saint Margaret's Church World Heritage Site**

6.3.1 The application site lies outside of the boundary of the Palace of Westminster and Westminster Abbey including Saint Margaret's Church World Heritage Site, but it is within its setting. The Outstanding Universal Value of the World Heritage Site is broadly derived from its collection of the nation's most significant governmental and ecclesiastical buildings in a range of Gothic styles that represent the development of the British state and its values over almost a thousand years.

6.3.2 The proposed development would appear in some views of the World Heritage Site from the southern end of the park (View 43 in the Verified Views and Architectural Views document submitted with the application). In this view the neo-Gothic architecture of the Houses of Parliament rising up from the landscape would become less legible, as the proposals would encroach upon the current unfettered visual relationship between the landscape and architecture of the Houses of Parliament from View 43. We acknowledge that this relationship would be changed in this particular view, causing minor harm, but we also note that the visual relationship will be

preserved a few metres to the north (View 44 in the Verified Views and Architectural Views document) in a view that equally strongly represents that attribute of Outstanding Universal Value relating to the neo-Gothic architecture of the Palace of Westminster. In that regard, my view is that the proposals would not significantly harm the Outstanding Universal Value of the Palace of Westminster and Westminster Abbey including Saint Margaret's Church World Heritage Site.

## **6.4 Archaeology**

6.4.1 The majority of the development site lies outside the Lundenwic and Thorney Island Area of Archaeological Priority Area<sup>3</sup> as defined by the Westminster City Plan Policies Map 2016. The emerging Westminster City Plan seeks to include the entire Victoria Tower Gardens site within the Palace of Westminster and Whitehall Archaeological Priority Area.

6.4.2 Victoria Tower Gardens was built on either side of the 16<sup>th</sup>-19<sup>th</sup> century river frontage where river walls, wharves and associated commercial and industrial premises were located. Given the lack of 20<sup>th</sup> century disturbance this could be one of the best preserved sections of post medieval riverfront in London with the potential for substantial buried remains of masonry and timber. During the medieval period the northern part of the gardens lay on or close to the sites of Westminster Abbey's Mill, St. Peter's Wharf and a slaughterhouse. Millbank may have been constructed along the site's

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<sup>3</sup> Archaeological Priority Areas are generally set out in local plans to inform the practical application of national and local planning policies for the recognition and conservation of archaeological interest.

western edge and the foreshore across the remainder site used for river-based activities. The site's potential for pre-medieval archaeology is harder to judge as river and sea levels fluctuated and it was probably wetland at some times and dry land at others. Good survival of structures, artefacts and palaeo-environmental deposits is expected due to lack of 20<sup>th</sup> century development and waterlogging adjacent to the river.

6.4.3 The site has been shown to have pre-medieval riverine deposits containing significant evidence for past environments, although the potential for pre-medieval structural or artefactual evidence is harder to judge. It is known that the Thames provided a focus for settlement and religious practices including the construction of timber bridges and jetties and the ritual deposition of valuable objects and human remains and notable nearby discoveries (Iron Age 'Battersea Shield' and 'Waterloo Bridge Helmet'). Highly significant prehistoric remains can be found in such river edge locations. There is clear potential for significant pre-medieval remains and whilst there is no specific evidence for anything of equivalent significance to a scheduled monument, there is the possibility of such a discovery.

6.4.4 The construction of a substantial basement in this archaeologically sensitive location will inevitably harm undesignated heritage assets of archaeological interest. Sufficient information has now been provided to assess the likely risk, and there is still a low residual risk of harm to as yet undiscovered non-designated heritage assets of archaeological interest. If opportunities for public engagement events and outreach programmes are secured and

implemented to a good standard then these could provide some positive benefit. We recommended that a pre-commencement condition should be imposed requiring a written scheme of investigation to be submitted and approved by the local authority. This is considered necessary to safeguard the archaeological interest on this site.

## **7.0 CONCLUSIONS ON IMPACT**

7.1 The proposals would cause less than substantial harm to the significance of the Grade II registered Victoria Tower Gardens (through the development taking place within the registered park) and the significance of the Grade II\* listed Buxton Memorial Fountain (through development within its setting). The proposals would not significantly harm the Outstanding Universal Value of the Palace of Westminster and Westminster Abbey including Saint Margaret's Church. The proposals would also harm undesignated heritage assets of archaeological interest (through the construction of the basement).

## **8.0 SUMMARY**

8.1 Historic England is the lead body for the heritage sector and is the Government's principal advisor on the historic environment and has a statutory role in the planning process in relation to the historic environment.

8.2 We support the principle of the project. In relation to the current proposals we have concerns at the scale of the proposals and how they relate to the very constrained and sensitive site and the impact of the proposals on the surrounding heritage in and around Victoria Tower Gardens.

- 8.3 We consider that the proposals will result in harm to the heritage assets, assessed to be less than substantial harm in terms of the NPPF. As required by legislation and policy, great weight should be given to the asset's conservation, with any harm requiring clear and convincing justification. We recognise the importance of the Holocaust Memorial and Learning Centre to London and the nation, and the potential public benefits it could bring. The harm will therefore need to be weighed against the proposed public benefits in accordance with legislation and policy.
- 8.4 Given the significance of the assets affected, the harm caused by the development proposals and the permanent feature that these proposals would decisively result in, it should only be accepted if the decision maker is satisfied that there is clear and convincing justification that the public benefits outweigh that harm, and with appropriate archaeological mitigation being required.